

UNITED STATES DISTRICT COURT

for the

_____ District of _Connecticut_____

United States of America)

v.)

Thomas Smalls)

Case No: 3:99CR-85

USM No: _____

Date of Previous Judgment: June 19, 2001

Noah Lipman

(Use Date of Last Amended Judgment if Applicable)

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant _____ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C.

§ 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED.

☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): Defendant was sentenced to the mandatory minimum term of 240 months and is ineligible for a reduced sentence.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated June 19, 2001 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 13, 2008

Judge's signature

Effective Date: May 23, 2008

(if different from order date)

Ellen Bree Burns, Senior United States District Judge

Printed name and title

